

JUDGE LEISURE

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Attorneys for Plaintiff,
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George E. Murray (GM-4172)

07 CV 10640

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NAIAS MARINE S.A.,

Plaintiff,

v.

TRANS PACIFIC CARRIERS CO. LTD.,

Defendant.
-----X

STATE OF NEW YORK :
: ss.
COUNTY OF NASSAU :

07 CV ____ (____)

**ATTORNEY'S AFFIDAVIT
THAT DEFENDANT
CANNOT BE FOUND
WITHIN THE DISTRICT**

This affidavit is executed by the attorney for the Plaintiff, NAIAS MARINE S.A.,
(hereinafter "NAIAS"), in order to secure the issuance of a Summons and Process of
Attachment and Garnishment in the above-entitled, *in personam*, Admiralty cause.

Owen F. Duffy, being first duly sworn, deposes and states:

1. I am a partner of the firm of Chalos, O'Connor & Duffy LLP representing
Plaintiff, NAIAS, in this case.

2. I have personally inquired or have directed inquiries into the presence of Defendant TRANS PACIFIC CARRIERS CO. LTD. in this District.

3. I have personally checked with the office of the Secretary of State of the State of New York, using the Secretary of State's Division of Corporations database, and I have determined that, as of November 27, 2007, the Defendant TRANS PACIFIC CARRIERS CO. LTD. is not incorporated pursuant to the laws of New York, is not qualified to conduct business within the State of New York and has not nominated agents for the service of process within New York because the Secretary of State of the State of New York has no records for the Defendant TRANS PACIFIC CARRIERS CO. LTD.

4. I have inquired of Verizon Telephone Company whether the Defendant TRANS PACIFIC CARRIERS CO. LTD. can be located within this District. The Verizon Telephone Company has advised me that the Defendant does not have any telephone number listings within this District.

5. I have further consulted with several other telephone directories on the internet, and I have found no telephone listing or address for the Defendant TRANS PACIFIC CARRIERS CO. LTD. within this District.

6. I have further made several searches on the internet with various search engines and maritime websites, and I have found no indication that the Defendant TRANS PACIFIC CARRIERS CO. LTD. can be found within this District.

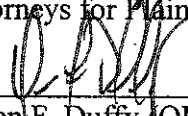
7. In that I have been able to determine that the Defendant TRANS PACIFIC CARRIERS CO. LTD. is not based in the United States of America and that I have found no indication that the Defendant TRANS PACIFIC CARRIERS CO. LTD. can be found within this District, I have formed a good faith belief that the Defendant TRANS PACIFIC CARRIERS CO. LTD. does not have sufficient contacts or business activities within this District to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty and Maritime Claims as set forth in the Federal Rules of Civil Procedure.

8. It is my belief, based upon my own investigation that the Defendant TRANS PACIFIC CARRIERS CO. LTD. cannot be found within this District for the purposes of Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

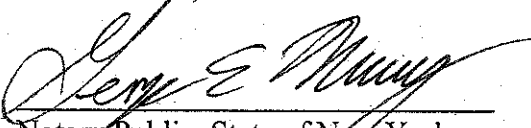
Dated: Port Washington, New York
November 28, 2007

CHALOS, O'CONNOR & DUFFY, LLP
Attorneys for Plaintiff,

By:


Owen F. Duffy (OD-3144)
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Tel: (516) 767-3600
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Subscribed and sworn to before me this
November 28, 2007.


Notary Public, State of New York
GEORGE E. MURRAY
Notary Public, State of New York
No. 02MU6408120
Qualified in New York County
Commission Expires April 12, 2008